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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,683	11/14/2003	Hiroaki Yagishita	WAKA 20.745	2860
26304 7590 04/06/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER SAN MARTIN, JAYDI A	
			ART UNIT	PAPER NUMBER
			2834	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/713,683		YAGISHITA, HIROAKI	
	Examiner		Art Unit	
	Jaydi A. San Martin		2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/11/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura et al. (US 2003/0020564) in view of Wakabayashi and further in view of Kuroda (US 6362561) and/or Luscher (US 3796968).

Nishimura discloses a crystal unit (figures 8, 10 and 12) comprising:

- a crystal blank (1) provided with a pair of excitation electrodes (2, 3) and a pair of extension electrodes (33, 34) extended from the excitation electrodes; and a mounting member on which a pair of connection terminals is formed;
- a mounting member (shown in figure 8) on which a pair of connection terminals is formed (47),
- wherein said crystal blank has a first principal surface and a second principal surface, an inclined surface is formed at one end of said first principal surface, said principal surface and said second principal surface are flat-shaped and parallel to each other, and said extension electrodes are extended toward an end at which said inclined surface is formed,

(figure 10 shows the extension electrode extending toward the end of the inclined surface)

- wherein a conductive material is disposed between said connection terminals and said extension electrodes (13) in such a way that said second principal surface face, said mounting member and said crystal blank is held by said mounting member at the position of the end to which said extension electrodes are extended and electrically connected to said connection terminals (see figures 8 and 10); and
- wherein one of the excitation electrodes (2) is arranged on the first principal surface and the other of the excitation electrodes (3) is arranged on the second principal surface opposite to the one of the excitation electrodes arranged on the first principal surface;
- figure 10 shows both ends of the piezoelectric crystal being tapered;

However, Nishimura fails to disclose the excitation electrodes (2 and 3) being parallel to each other, one of the inclined surfaces having different size than the other, and the extension electrodes being extended toward the greater inclined surface .

Wakabayashi discloses, in Column 8 lines 41-45, a crystal unit wherein said inclined surfaces are different from each other in size at the respective ends and in Column 9 lines 49-54, Wakabayashi teaches a crystal unit where said extension electrodes are extended toward the greater inclined surface. Wakabayashi discloses the piezoelectric blank having a trapezoidal shape. Specifically, Wakabayashi discloses (column 2, lines 10-15) that in the structure of their invention any electrode could be selected for electrical connection with the piezoelectric reed;

and, even when the oscillator is of cantilevered type (as the present invention discloses) and has a lead electrode on only one end, the electrical connection between the piezoelectric and the electrode can be ensured. Wakabayashi discloses that such structure improves the efficiency and reduces the cost of manufacture.

Therefore, it would have been obvious at the time of the invention was made to make the piezoelectric blank having inclined surfaces, one of the inclined surfaces having different size than the other, and the extension electrodes being extended toward the greater inclined surface, as disclosed in Wakabayashi in order to improve the efficiency of the system and to reduce the cost of manufacture as explained above.

Kuroda and Luscher teach the use parallel driving electrodes (3, 4 and 5, 6 respectively) located on opposite flat surfaces of a piezoelectric blank to induce an electric field between the electrodes and/or create a vibration in the piezoelectric device in the transverse direction parallel to the electrodes, as necessitated by the specific requirements of a particular application.

Therefore, it would have been obvious at the time of the invention was made to form the electrodes on the flat surfaces parallel to each other in order to produce the desired vibration in the piezoelectric device, as necessitated by the specific requirements of the particular application.

With regards to claim 2, Nishimura discloses the conductive material 13 being a conductive adhesive (see paragraph 54).

With regards to claim 3, in figure 11 Nishimura shows the extension electrodes extending toward both sides of one end of the crystal blank.

With regards to claim 6, Nishimura discloses the crystal blank having substantially rectangular shape as a two-dimensional shape and two inclined surfaces formed at the end of the crystal blank.

With regards to claim 7, in figure 11, Nishimura discloses only one of the ends being inclined.

With regards to claim 8, Nishimura discloses the casing having a recess and the connections being formed on the bottom face of the recess (see figure 8).

With regards to claim 9, Nishimura discloses a hermetically sealed housing (see paragraph 69).

With regards to claim 10, Nishimura discloses the use of a quartz crystal. However, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With regards to claims 11 and 12, Nishimura discloses substantially rectangular inclined surfaces.

With regards to claim 13, note that when the electrodes are formed on a parallel relation on opposing faces of the piezoelectric crystal, the spacing between them will be uniform, therefore, as explained above, the invention is obvious over Nishimura.

Response to Arguments

2. Applicant's arguments filed 1/11/07 have been fully considered but they are not persuasive.

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3. It is the Examiner's position that a) According to the dictionary, a trapezoid is a quadrilateral having only two sides parallel (m-w.com), therefore, a trapezoidal shape is not limited to two 'inclined surfaces having the same dimensions'. Broadly interpreting the teachings of Wakabayashi, the limitation of two inclined surfaces, having different dimensions, is met; b) Wakabayashi does teach the change in shapes to ensure the electrical connections, therefore a motivation to change the shape of the piezoelectric blank does exist and is clear from the reference.

4. In response to applicant's argument that none of the references teaches the electrodes being extended towards the greater inclined surface, it should be noted that Nishimura teaches (in figures 11 and 12) two different inclinations, one greater than the other. Therefore, the rejection of claims 1-3 and 6-13 is considered to be proper and maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaydi A. San Martin whose telephone number is 571-272-2018. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JSM
3/24/07

